

THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

-----X
Camilo Sandoval, on behalf of himself and all
others similarly situated,

Plaintiff(s),

vs.

Williams & Fudge, Inc. and Student Loan
Solutions, LLC,

Defendants.
-----X

Civil Docket No: 1:19-cv-2971

NOTICE OF REMOVAL

[Removed from the Supreme Court of the State
of New York, County of New York; Index
No.: 160487/2018]

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§1331, 1441, and 1446, Williams & Fudge, Inc. (“WFI”) and Student Loan Solutions, LLC (“SLS”)(collectively “Defendants”), by and through their undersigned counsel, hereby invokes the jurisdiction of the Court and removes Index No. 160487/2018 from the Supreme Court of the State of New York, County of New York (“State Court Action”), to the United States District Court for the Southern District of New York.

In filing this Notice of Removal, WFI and SLS deny the above-named Plaintiff’s allegations set forth in the State Court Action, deny Plaintiff states a claim for which relief may be granted and deny Plaintiff has been damaged in any manner. WFI and SLS do not waive and specifically reserve any and all objections as to service, personal jurisdiction, defenses, exceptions, rights, and motions. No statement by WFI or SLS herein or omission herefrom shall be deemed to constitute an admission by WFI or SLS to any of Plaintiff’s allegations or damages sought in the State Court Action. In support thereof, WFI and SLS state as follows:

I. THE UNDERLYING CIVIL ACTION

a. On or about November 12, 2018, Plaintiff Camilo Sandoval (“Plaintiff”) commenced the State Court Action against Defendants by filing a summons with notice, dated

November 12, 2018, in the civil action captioned CAMILO SANDOVAL ON BEHALF OF HIMSELF AND ALL OTHERS SIMILARLY SITUATED against WILLIAMS & FUDGE, INC., AND STUDENT LOAN SOLUTIONS, LLC, Index No. 160487/2018, in the Supreme Court of the State of New York, County of New York. Defendants were served with the summons with notice on March 5, 2019. The summons with notice alleges a violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (“FDCPA”), and Plaintiff seeks statutory and actual damages as well as attorney fees and other relief.

b. As set forth below, the State Court Action is properly removed to this Court pursuant to 28 U.S.C. §§ 1441 and 1446 because Defendants have satisfied the procedural requirements for removal, and because this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331.

II. THE PROCEDURAL REQUIREMENTS FOR REMOVAL ARE MET

a. Timeliness: A notice of removal may be filed within 30 days after the defendant receives a copy of the initial pleading or other papers from which it may be ascertained that the case is removable. 28 U.S.C. § 1446(b). Defendants first received a copy of the summons with notice on March 5, 2019 via Registered Agent. See Exhibit A. Accordingly, this Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b).

b. Removal to Proper Court: The Supreme Court of the State of New York, County of New York, is located in the United States District Court for the Southern District of New York 28 U.S.C. 112 (b). Venue is proper because this is the “district and division embracing the place where the action is pending.” See 28 U.S.C. §§ 1441(a) and 1446(a).

c. Filing/Service Requirements: Pursuant to 28 U.S.C. § 1446(a), a copy of all process, pleadings, and orders provided to Defendants, which papers include Plaintiff’s summons with notice, are attached hereto as Exhibit B to this Notice of Removal. Pursuant to 28 U.S.C. §

1446(d), a copy of this Notice of Removal shall be served upon Plaintiff and a copy shall be filed with the clerk of court for the Supreme Court of the State of New York, County of New York. No previous application has been made for the relief requested herein.

II. REMOVAL IS PROPER BECAUSE THIS COURT HAS FEDERAL QUESTION JURISDICTION PURSUANT TO 28 U.S.C. §§ 1331 AND 1441.

Fair Debt Collection Practices Act

a. Plaintiff's action is of a civil nature and involves issues of federal question over which the U.S. District Court for the Southern District of New York has original subject matter jurisdiction pursuant to 28 U.S.C. § 1331 which provides: "The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States." Plaintiff's summons with notice expressly raises claims under the FDCPA. *See **Exhibit B***, Plaintiff's summons with notice, p. 1. Any and all specific and purported claims are denied by Defendants.

b. Plaintiff's federal cause of action is properly removable to this Court pursuant to 28 U.S.C. § 1441.

WHEREFORE, Defendants respectfully remove the State Court Action (Index No. 160487/2018) from the Supreme Court of the State of New York, County of New York, to the United States District Court for the Southern District of New York pursuant to 28 U.S.C. §§ 1331, 1441 and 1446.

Dated: April 3, 2019

Respectfully submitted,



Lori J. Quinn, Esq. (Atty Bar No: 4097358)
Marshall Dennehey Warner Coleman & Goggin
105 Maxess Road, Suite 303
Melville, NY 11747
LJQuinn2mdwcg.com

*Attorney for Defendants, Williams & Fudge, Inc.
and Student Loan Solutions, LLC.*

To: MITCHELL PASHKIN, ESQ.
775 Park Avenue, Suite 255
Huntington, New York 11743
Attorney for Plaintiff